

TOWN OF ARLINGTON
REDEVELOPMENT BOARD

Application for Special Permit In Accordance with Environmental Design
Review Procedures (Section 3.4 of the Zoning Bylaw)

PLANNING & COMMUNITY
DEVELOPMENT

2020 NOV 12 P 12:34

Docket No. 3638

1. Property Address: 400-402 Mass Ave
Name of Record Owner(s): 400-402 Mass Avenue, LLC Phone: 781-646-4911
Address of Owner: 455 Mass Ave, Suite #1, Arlington, MA 02474
Street City, State, ZIP
2. Name of Applicant(s) (if different than above): SAME
Address: _____ Phone: _____
Status Relative to Property (occupant, purchaser, etc.): _____
3. Location of Property: MAP 101.0 BLOCK 0002 LOT 0003.A
Assessor's Block Plan, Block, Lot No.
4. Deed recorded in the Middlesex South District Registry of Deeds, Book 70704, Page 49; or- registered in Land Registration Office, Cert. No _____, Book _____, Page _____
5. Present Use of Property (include # of dwelling units, if any): (2) Residential dwelling units, (3) business units
6. Proposed Use of Property (include # of dwelling units, if any): (4) Residential dwelling units, (1) business unit
7.

Permit applied for in accordance with the following Zoning Bylaw section(s):	<u>Section 6.1.5(c)</u>	<u>Transportation demand management relief</u>
	<u>Section 4.4</u>	<u>Environmental Design Review</u>
	<u>Section 5.3.16</u>	<u>Yards or setbacks for lots adjoining a street or public open space</u>
		<u>As well as the mixed-use zoning bylaw amendment</u>
8. Please attach a statement that describes your project and provide any additional information that may aid the ARB in understanding the permits you request. Include any reasons that you feel you should be granted the requested permission.

See attached Statement incorporated by reference into the terms of this Application.

(In the statement below, strike out the words that do not apply)

The applicant states that 400-402 Mass Avenue, LLC is the OWNER of the property in Arlington located at 400-402 Mass Ave, Arlington, MA which is the subject of this application; and that unfavorable action -or- no unfavorable action has been taken by the Zoning Board of Appeals on a similar application regarding this property within the last two years. The applicant expressly agrees to comply with any and all conditions and qualifications imposed upon this permission, either by the Zoning Bylaw or by the Redevelopment Board, should the permit be granted.

Signature of Applicant(s)

c/o Robert J. Annese, 1171 Mass Ave., Arlington, MA 02476
Address

781-646-4911
Phone

RECEIVED

TOWN CLERK'S OFFICE
ARLINGTON, MA 02174
2020 NOV 17 PM 3:30

Town of Arlington Redevelopment Board
Application for Special Permit in accordance with
Environmental Design Review (Section 3.4)

Required Submittals Checklist

File each in triplicate except for model
References are to Arlington Zoning Bylaw

- √ Dimensional and Parking Information Form
- √ Site plan of proposal
 Model, if required
- √ Drawing of existing conditions
- √ Drawing of proposed structure
 Proposed landscaping. May be incorporated into site plan
 Photographs
- √ Impact statement
- √ Application and plans for sign permits
 Stormwater management plan (for stormwater management during construction for projects
 with new construction)

FOR OFFICE USE ONLY

_____ Special Permit Granted	Date: _____
_____ Received evidence of filing with Registry of Deeds	Date: _____
_____ Notified Building Inspector of Special Permit filing	Date: _____

TOWN OF ARLINGTON
REDEVELOPMENT BOARD

Petition for Special Permit under Environmental Design Review (see Section 3.4 of the Arlington Zoning Bylaw for Applicability)

For projects subject to Environmental Design Review, (see section 3.4), please submit a statement that completely describes your proposal, and addresses each of the following standards.

1. **Preservation of Landscape.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

The landscaped open space which is presently 864 square feet +/- will remain at 864 square feet +/- while zoning would require 555 square feet +/-.

2. **Relation of Buildings to Environment.** Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on abutting property in an RU, RI or R2 district or on public open space.

The exterior physical characteristics of the building will no change as all of the changes will be interior changes to the building.

3. **Open Space.** All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance.

The useable open space which 0 will remain at 0 with respect to Petitioner's proposed interior plans to the building.

4. **Circulation.** With respect to vehicular, pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 8.13 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

Traffic circulation will remain unchanged with one way traffic in and out to the parking spaces located to the rear of the building.

5. **Surface Water Drainage.** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and storm water treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Storm water should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.

In accordance with Section 3.3.4, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all storm water facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do. The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for the future maintenance needs.

The surface water drainage will remain unchanged.

6. **Utility Service.** Electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

There will be no changes to the utility services to the property and the method of sanitary sewage disposal and solid waste disposal will remain unchanged.

7. **Advertising Features.** The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties. Advertising features are subject to the provisions of Section 6.2 of the Zoning Bylaw.

Petitioner is still discussing any advertising features with respect to the building and is of the view that that matter can be dealt with administratively by the Planning Department.

8. **Special Features.** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

There will be no new machinery installed at the building and landscaping will be as shown on Petitioner's plans.

9. **Safety.** With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed as to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

All open and enclosed spaces as presently existing will remain unchanged and are safe for inhabitants of the building as well as neighboring residents and passerby's.

10. **Heritage.** With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

There will be no exterior changes to the existing building.

11. **Microclimate.** With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage, or the installation of machinery which emits heat, vapor, or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air, and water resources, or on noise and temperature levels of the immediate environment.

Not applicable.

12. **Sustainable Building and Site Design.** Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality.
- Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project.
- [LEED checklists can be found at <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=220b>]

Petitioner is submitting a LEED's report of LaGrasse Yanowitz & Feyl with respect to LEEDS considerations with regard to the building.

In addition, projects subject to Environmental Design Review must address and meet the following Special Permit Criteria (see Section 3.3.3 of the Zoning Bylaw)

1. The use requested is listed in the Table of Use Regulations as a special permit in the district for which application is made or is so designated elsewhere in this Bylaw.

The building is located in the B1 zone.

2. The requested use is essential or desirable to the public convenience or welfare.

The requested use will add additional residential units to the Town residential base which is in keeping with the master plan with respect to a mixed use zone such as a B1 zone and has been apparent for many years that the Town and its inhabitants and potential inhabitants would benefit from mixed use development in the Town.

3. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

There will be no significant change in traffic to or from the property such as to impair pedestrian safety as there will be no change to the traffic pattern as has existed at the property for many years.

4. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare. |

The requested use will not overload of any town municipal system.

5. Any special regulations for the use, set forth in Article 11, are fulfilled.

This requirement is satisfied with respect to the plans.

6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.

The requested use is similar to other uses in the neighborhood of the property as there is a mix of commercial and residential uses in the neighborhood and will be in keeping with the character and nature of those uses. Once again, there will be no exterior changes to the existing building.

7. The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

The requested use as mentioned in item No. 6 will not by its addition to the neighborhood in which the property is located cause an excess of that particular use that could be detrimental to the character of the neighborhood.

TOWN OF ARLINGTON

Dimensional and Parking Information
for Application to
The Arlington Redevelopment Board

Docket No. _____

Property Location ARLINGTON, MA

Zoning District B1

Owner: 400-402 MASS AVE LLC

Address: 400-402 MASS AVE, ARLINGTON

Present Use/Occupancy: No. of Dwelling Units:

(2) Res Dwelling Units + (3) Business Units

Proposed Use/Occupancy: No. of Dwelling Units:

(4) Res Dwelling Units + (1) Business Unit –

**as well as the mixed-use
zoning bylaw amendment**

Uses and their gross square feet:

Residential: 2,225 GSF / Business: 2,692 GSF / (638 GSF Circ+Stor)

Uses and their gross square feet:

Residential: 4,287 GSF / Business: 630 GSF / (638 GSF Circ+Stor)

	Present Conditions	Proposed Conditions	Min. or Max. Required by Zoning for Proposed Use
Lot Size	4756 SF	4756 SF	min. 5,000 SF
Frontage	71.7FT Mass Ave 68FT Avon St.	71.7FT Mass Ave 68FT Avon St.	min. 50 FT
Floor Area Ratio	1.16	1.16	max. .75
Lot Coverage (%), where applicable	--	--	max. N/A
Lot Area per Dwelling Unit (square feet)	(2 Dwelling Units) 2378 SF	(4 Dwelling Units) 1189 SF	min. 2,500 SF
Front Yard Depth (feet)	0 FT	0 FT	min. 20 FT
Side Yard Width (feet)			
right side	5 FT	5 FT	min. 10 FT
left side			min. 10 FT
Rear Yard Depth (feet)	20 FT	20 FT	min. 20 FT
Height	--	--	min. --
Stories	2 & 3/4 STY	2 & 3/4 STY	stories 3
Feet	29.9 FT	29.9 FT	feet 35 FT
Open Space (% of G.F.A.)	--	--	min. --
Landscaped (square feet)	864 SF +/-	864 SF +/-	(s.f.) 10%, OR 555 SF
Usable (square feet)	0	0	(s.f.) 20%, OR 1111 SF
Parking Spaces (No.)	6	6	min. 6
Parking Area Setbacks (feet), where applicable	N/A	N/A	min. --
Loading Spaces (No.)	0	0	min. --
Type of Construction	WOOD FRAME, TYPE VB		
Distance to Nearest Building	10'-3" +/-	10'-3" +/-	min. N/A

400-402 Massachusetts Avenue
Arlington, MA

Environmental Impact Statement

The property located at 400-402 Massachusetts Avenue contains 4,756 square feet+/- and is in a B1 zone which zone is defined in Section 5.5 - Business Districts section of the Zoning Bylaw and at 5.5.1, Subsection A.

The definition in the Zoning Bylaw for a property located in a B1 zone is as follows:

“B1: Neighborhood Office District. In the Neighborhood Office District, the predominant uses include one- and two-family dwellings, houses with offices on the ground floor, or office structures which are in keeping with the scale of adjacent houses. Primarily located on or adjacent to Massachusetts Avenue, this district is intended to encourage preservation of small-scale structures to provide contrast and set off the higher-density, more active areas along the Avenue. Mixed-use buildings without retail space are allowed in this district. The Town discourages uses that would detract from the desired low level of activity, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.”

The property was the subject of a 1980 Zoning Hearing and Decision which provided that there be no more than two (2) apartments developed on the site and that there would be at least one on-site parking space per dwelling unit to be set aside for apartment tenants and that the entrance to the basement space be from the front of the building with an open stairway leading down from the inside entrance and clearly marked as to how to enter the basement.

The Petitioner's representative has now filed a Petition to Amend the Special Permit in accordance with the new mixed-use bylaw which applies in an B1 zone requesting that the building be allowed to have one (1) office unit and

four (4) residential units in accordance with plans submitted to the Zoning Board and which are also being submitted to the Arlington Redevelopment Board (hereinafter "ARB") at this time.

While the 1980 Zoning Decision limited the number of apartments in the buildings to two (2) under the mixed-use bylaw and in accordance with the provisions Section 3.4, further Section 3.4.4 of the Zoning Bylaw, the ARB has the jurisdiction with respect to any work or changes to be made to the existing building and in exercising its jurisdiction the ARB is to follow certain standards in reviewing Petitioner's plans in accordance with a portion of the language of Section 3.4.4 which states the following:

"The Standards are intended to provide a frame of reference for the Applicant in the development of site and building plans as well as a method of review for the review authority. They shall not be regarded as inflexible requirements and they are not intended to discourage creativity, invention and innovation."

The property is located in a mixed-use area directly across from the main Arlington Fire Station, within steps of the heart of Arlington Center with its significant retail uses, but at the fringe of that area at a point where there is a transition to more residential uses, including a number of apartment buildings, smaller mixed-use offices and residential buildings as well as commercial buildings such as the commercial building located at 397 Massachusetts Avenue, across from the Fire Station.

Petitioner does not propose changes to the exterior of the building but rather seeks to maintain the mixed-use history of the building with respect to its plans.

The proposed use comports comfortably with the language contained in the definition of the neighborhood office district contained in the Zoning Bylaw as the proposed use will provide contrast and set off the higher-density, more active areas along the Massachusetts Avenue and further would not detract from a low-level of activity with respect to the use.

The total gross floor area (GFA) would remain the same with respect to Petitioner's plans and the property is nonconforming with respect to the Zoning Bylaw lot size, floor area ratio, lot area per dwelling, front, side yard depths, useable open space and parking space minimum requirements contained in the Bylaw.

As a result of the increase in the requested number of residential units from two (2) to four (4), the proposal would increase the nonconformity with respect to the lot area per dwelling unit by reducing it from 2032 square feet per unit to 921 square feet per unit.

Petitioner also proposes to increase the two (2) parking spaces currently located at the property from two (2) to six (6), while the required parking spaces would be 6.1 parking spaces as set forth within the substance of the Zoning Bylaw with respect to the proposed use which requires Petitioner to request a reduction with respect to the parking requirements contained in the Zoning Bylaw.

Accordingly, Petitioner is prepared in accordance with Section 6.1.5, further subsection C of the Zoning Bylaw to comply with the provisions of the Transportation Demand Management (TDM) conditions contained in subsection C as follows:

- (1) Provide covered bicycle parking and storage;
- (2) Provide an electric charging station; and

(3) Installation of a shower in the office unit.

The Zoning of Board Appeals in a decision dated June 23, 2020 unanimously voted that in light of the fact that the Petitioner's proposal invokes the jurisdiction of Section 3.4 of the Zoning Bylaw under Environmental Design Review, that the ARB can review the proposal in accordance with the criteria of Sections 3.3.3 and 3.4 and if the ARB approves Petitioner's proposal then that decision would be the controlling decision with respect to Petitioner's mixed-use proposal, but if the proposed Petition was not approved by the ARB, then the 1980 Special Permit Zoning Board of Appeals conditions would remain in effect.

The Members of the Zoning Board went on to find that the 1980 Special Permit issued by the Zoning Board which allowed for two (2) apartments and one (1) office on the site and which also made provision for parking spaces for the dwelling units would essentially be superseded by the decision of the ARB since the Zoning Board in any event would not have the authority to issue a Special Permit under Environmental Design Review as that jurisdiction was solely the authority of the ARB.

In summary, the relief sought by Petitioner is for conversion of the property from two (2) residential units and one (1) business units into four (4) residential dwelling units and one (1) business unit.

The permit applied for requires relief from the following sections of the Zoning Bylaw:

1. Section 6.1.5, (C) – Transportation Management relief;
2. Section 3.4. Environmental Design Review;
3. Section 5.3.16 – Yards and setbacks for lots adjoining a street or public open space; and

4. Mixed-use amendment to the zoning bylaw.

Petitioner has addressed the standards of Section 3.4 of the Zoning Bylaw as follows:

1. The landscaped opened space which is presently 864 square feet+/- will remain at 864+/- square feet while zoning would require 555 square feet+/-.
2. The exterior of the building will not change as all the changes will be interior changes.
3. The useable open space which is 0 will remain at 0 with respect to Petitioner's proposed interior plans to the building.
4. Traffic circulation will remain unchanged with one-way traffic in and out to the parking spaces which are located to the rear of the building.
5. The surface water drainage will remain unchanged.
6. There will be no changes to the utility service to the property.
7. Petitioner will, in all likelihood, discuss any advertising features with respect to the proposal with the Planning Department and would expect that any proposal made could be dealt with administratively by the Planning Department.
8. There will be no new machinery installed at the building.
9. All opened and closed spaces at the building will remained unchanged.
10. Petitioner has submitted a LEED's report of LAGRASSE YANOWITZ & FEYL with respect to LEED considerations with respect to the proposal as a part of its submission to the ARB.



400 MASS AVE – LEED CONSIDERATIONS

The improvements at 400-402 Massachusetts Avenue will look to incorporate the items below per 'LEED_v4.1_Residential_BD_C_Multifamily_Homes' to support the sustainable building practices goal in Arlington, MA.

LOW EMITTING MATERIALS

These materials are to be integrated to reduce concentrations of chemical contaminants that can damage air quality, human health, productivity, and the environment. Some of these building materials are as follows:

-Paints and Coatings

At least 75% of all paints and coatings, by volume or surface area, are to meet the VOC emissions evaluation AND 100% meet the VOC content evaluation.

-Adhesives and Sealants

At least 75% of all adhesives and sealants, by volume or surface area, are to meet the VOC emissions evaluation AND 100% meet the VOC content evaluation

-Flooring

At least 90% of all flooring materials (carpet, ceramic, vinyl, rubber, engineered, solid wood, laminates), by cost or surface area, is to meet the VOC emissions evaluation OR inherently non emitting sources criteria, OR salvaged and reused materials criteria.

INDOOR AIR QUALITY

The LEED objective is to establish better quality indoor air in the building after construction and during occupancy. Before each dwelling unit is occupied, air cleaning, a flush-out with a recirculating HEPA Air Filtration Device, and air testing in the unit to Demonstrate that 10 micron particles do not exceed 8 µg/m³ should be performed.

ACCESS TO QUALITY TRANSIT

Functional entry is located within ¼ mile walking distance to existing bus stop.

ENVIRONMENTALLY PREFERABLE PRODUCTS

At least 70% of each new compliant building component (floor covering, insulation, framing/structural systems, drywall, doors cabinets, countertops and/or interior trim), by weight or volume, will aim meet one of the requirements below:

The product contains at least 25% reclaimed material, including salvaged, refurbished, or reused materials. For renovation projects, existing components are considered reclaimed. Wood by-products can be counted as reclaimed material. These include items from secondary manufacturers; felled, diseased, or dead trees from urban or suburban areas; orchard trees that are unproductive and cut for replacement; and wood recovered from landfills or water bodies.

The product contains at least 25% postconsumer or 50% pre consumer content.



LAGRASSE YANOWITZ & FEYL

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Wood products must be Forest Stewardship Council (FSC) Certified, or USGBC-approved equivalent.

Bio-based materials. Bio-based products must meet the Sustainable Agriculture Network's Sustainable Agriculture Standard. Bio-based raw materials must be tested using ASTM Test Method D6866 and be legally harvested, as defined by the exporting and receiving country. Exclude hide products, such as leather and other animal skin material.

Concrete that consists of at least 30% fly ash or slag used as a cement substitute.

Extended producer responsibility. Products purchased from a manufacturer (producer) that participates in an extended producer responsibility program or is directly responsible for extended producer responsibility.

WATER USE REDUCTION

The project will seek to reduce aggregate water consumption by 20% from the baseline for each new fixture (toilets, showerheads, dishwashers, etc.)

MINIMUM ENERGY PERFORMANCE

For new dwelling units, heating and cooling systems will look to meet the following equipment selection sizing guidelines, or next nominal size:

Cooling Equipment:

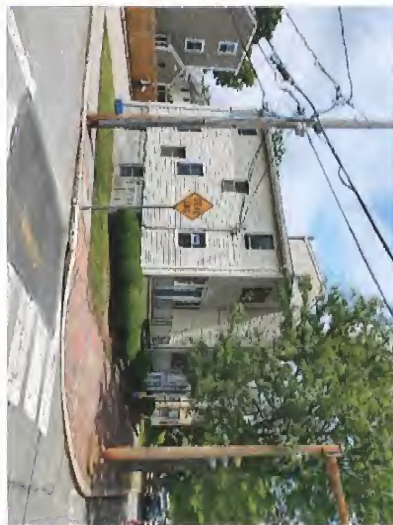
Single-Speed Compressor: 90-130% of total heat gain

Two-Speed Compressor: 90-140% of total heat gain

Variable-Speed Compressor: 90-160% of total heat gain

Heating Equipment:

100-140% of total heat loss AND energy performance compliance.

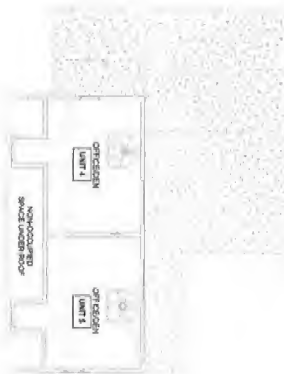


LAGRASSE YANOWITZ & FETL
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 + CONSTRUCTION MANAGEMENT
 ONE ELM SQUARE
 ANDOVER, MA 01910
 T: 978.470.2875
 WWW.LYFARCHITECTS.COM

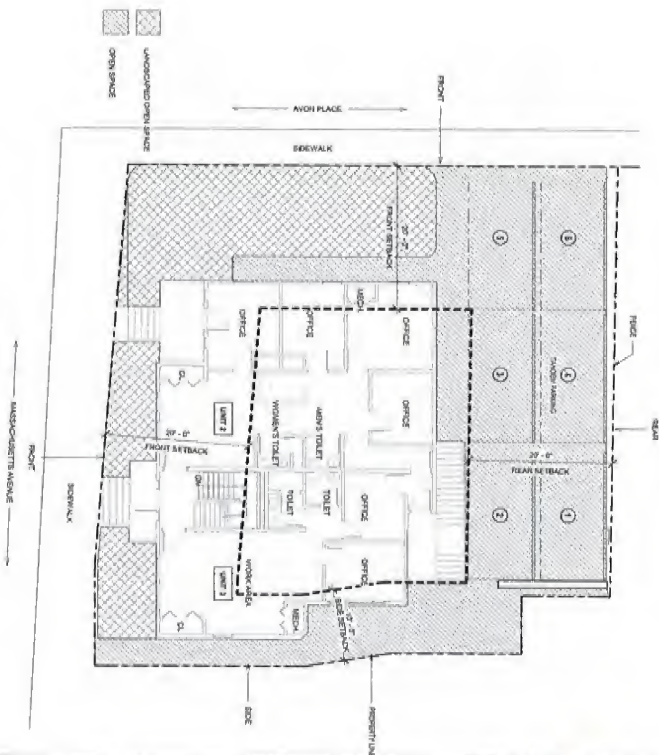
400 MASSACHUSETTS AVE. ARLINGTON, MA
 BUILDING FACADE PHOTOS

BASEMENT PLAN

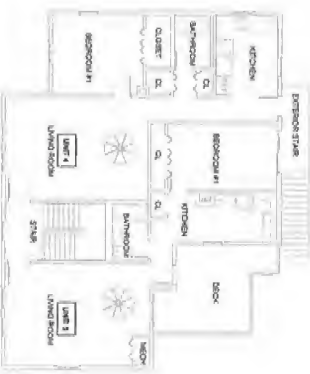
4 THIRD FLOOR PLAN
1/8" = 1'-0"



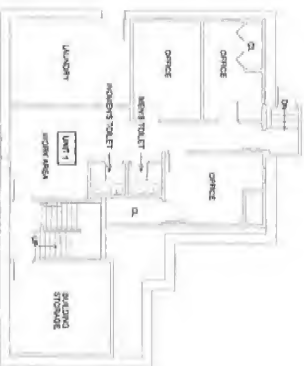
2. EXISTING FIRST FLOOR PLAN + SITE W/ ZONING INFORMATION
1/8" = 1'-0"



3 SECOND FLOOR PLAN



BASEMENT PLAN





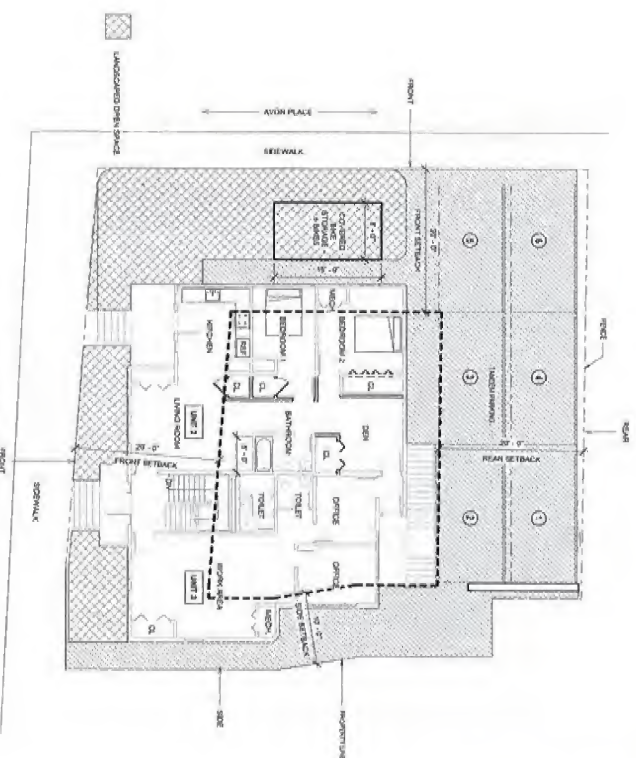
400 MASS AVE ARLINGTON

prepared for:
 Architect: **Loose Winding Architects**
 Date: **10/1/2020**
PROPOSED FLOOR PLANS

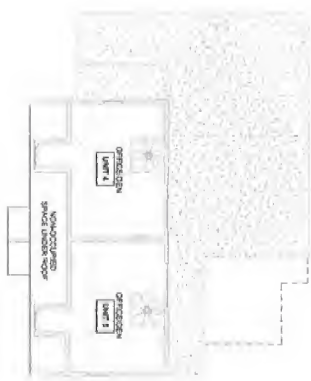
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NO.	DATE	DESCRIPTION
1	10/1/2020	PROPOSED FLOOR PLANS
2	10/1/2020	PROPOSED FLOOR PLANS
3	10/1/2020	PROPOSED FLOOR PLANS
4	10/1/2020	PROPOSED FLOOR PLANS
5	10/1/2020	PROPOSED FLOOR PLANS
6	10/1/2020	PROPOSED FLOOR PLANS
7	10/1/2020	PROPOSED FLOOR PLANS
8	10/1/2020	PROPOSED FLOOR PLANS
9	10/1/2020	PROPOSED FLOOR PLANS
10	10/1/2020	PROPOSED FLOOR PLANS

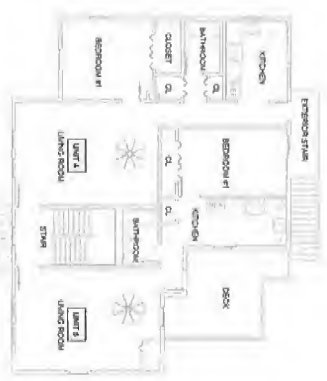
A101



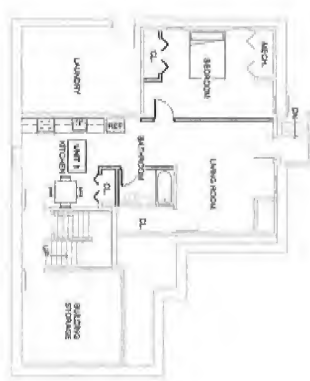
2 PROPOSED FIRST FLOOR PLAN, SITE
 1/8" = 1'-0"



4 THIRD FLOOR PLAN, NO CHANGES
 1/8" = 1'-0"



3 SECOND FLOOR PLAN, NO CHANGES
 1/8" = 1'-0"



1 BASEMENT PLAN, PROPOSED
 1/8" = 1'-0"



TOWN OF ARLINGTON
REDEVELOPMENT BOARD

PLANNING & COMMUNITY
DEVELOPMENT

Application for Special Permit In Accordance with Environmental Design
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Docket No. 4638

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Street City, State, ZIP
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8. Please attach a statement that describes your project and provide any additional information that may aid the ARB in
understanding the permits you request. Include any reasons that you feel you should be granted the requested permission.

See attached Statement incorporated by reference into the terms of this Application.

(In the statement below, strike out the words that do not apply)

The applicant states that 400-402 Mass Avenue, LLC is the **OWNER** of the property in Arlington located at 400-402 Mass Ave, Arlington, MA which is the subject of this application; and that unfavorable action -or- no unfavorable action has been taken by the Zoning Board of Appeals on a similar application regarding this property within the last two years. The applicant expressly agrees to comply with any and all conditions and qualifications imposed upon this permission, either by the Zoning Bylaw or by the Redevelopment Board, should the permit be granted.

Signature of Applicant(s)

c/o Robert J. Annese, 1171 Mass Ave., Arlington, MA 02476
Address

781-646-4911
Phone



Town of Arlington Redevelopment Board
Application for Special Permit in accordance with
Environmental Design Review (Section 3.4)

Required Submittals Checklist

Two full sets of materials and one electronic copy are required. A model may be requested. Review the ARB's Rules and Regulations, which can be found at arlingtonma.gov/arb, for the full list of required submittals.

- ☒ Dimensional and Parking Information Form (see attached)
- ☒ Site plan of proposal
- ☐ Model, if required
- ☒ Drawing of existing conditions
- ☒ Drawing of proposed structure
- ☐ Proposed landscaping. May be incorporated into site plan
- ☒ Photographs
- ☒ Impact statement
- ☐ Application and plans for sign permits
- ☐ Stormwater management plan (for stormwater management during construction for projects with new construction)

FOR OFFICE USE ONLY

- | | |
|---|-------------|
| <input type="checkbox"/> Special Permit Granted | Date: _____ |
| <input type="checkbox"/> Received evidence of filing with Registry of Deeds | Date: _____ |
| <input type="checkbox"/> Notified Building Inspector of Special Permit filing | Date: _____ |

TOWN OF ARLINGTON
REDEVELOPMENT BOARD

Petition for Special Permit under Environmental Design Review (see Section 3.4 of the Arlington Zoning Bylaw for Applicability)

For projects subject to Environmental Design Review, (see section 3.4), please submit a statement that completely describes your proposal, and addresses each of the following standards.

1. **Preservation of Landscape.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

The landscaped open space which is presently 864 square feet +/- will remain at 864 square feet +/- while zoning would require 555 square feet +/-.

2. **Relation of Buildings to Environment.** Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on abutting property in an RU, RI or R2 district or on public open space.

The exterior physical characteristics of the building will no change as all of the changes will be interior changes to the building.

3. **Open Space.** All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance.

The useable open space which 0 will remain at 0 with respect to Petitioner's proposed interior plans to the building.

4. **Circulation.** With respect to vehicular, pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 8.13 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

Traffic circulation will remain unchanged with one way traffic in and out to the parking spaces located to the rear of the building.

5. **Surface Water Drainage.** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and storm water treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Storm water should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.

In accordance with Section 3.3.4, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all storm water facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do. The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for the future maintenance needs.

The surface water drainage will remain unchanged.

6. **Utility Service.** Electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

There will be no changes to the utility services to the property and the method of sanitary sewage disposal and solid waste disposal will remain unchanged.

7. **Advertising Features.** The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties. Advertising features are subject to the provisions of Section 6.2 of the Zoning Bylaw.

Petitioner is still discussing any advertising features with respect to the building and is of the view that that matter can be dealt with administratively by the Planning Department.

8. **Special Features.** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

There will be no new machinery installed at the building and landscaping will be as shown on Petitioner's plans.

9. **Safety.** With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed as to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

All open and enclosed spaces as presently existing will remain unchanged and are safe for inhabits of the building as well as neighboring residents and passerby's.

10. **Heritage.** With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

There will be no exterior changes to the existing building.

11. **Microclimate.** With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage, or the installation of machinery which emits heat, vapor, or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air, and water resources, or on noise and temperature levels of the immediate environment.

Not applicable.

12. **Sustainable Building and Site Design.** Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality.
- Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project.
- [LEED checklists can be found at <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=220b>.]

Petitioner is submitting a LEED's report of LaGrasse Yanowitz & Feyl with respect to LEEDS considerations with regard to the building.

In addition, projects subject to Environmental Design Review must address and meet the following Special Permit Criteria (see Section 3.3.3 of the Zoning Bylaw)

1. The use requested is listed in the Table of Use Regulations as a special permit in the district for which application is made or is so designated elsewhere in this Bylaw.

The building is located in the B1 zone.

2. The requested use is essential or desirable to the public convenience or welfare.

The requested use will add additional residential units to the Town residential base which is in keeping with the master plan with respect to a mixed use zone such as a B1 zone and has been apparent for many years that the Town and its inhabitants and potential inhabitants would benefit from mixed use development in the Town.

3. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

There will be no significant change in traffic to or from the property such as to impair pedestrian safety as there will be no change to the traffic pattern as has existed at the property for many years.

4. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare. |

The requested use will not overload of any town municipal system.

5. Any special regulations for the use, set forth in Article 11, are fulfilled.

This requirement is satisfied with respect to the plans.

6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.

The requested use is similar to other uses in the neighborhood of the property as there is a mix of commercial and residential uses in the neighborhood and will be in keeping with the character and nature of those uses. Once again, there will be no exterior changes to the existing building.

7. **The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.**

The requested use as mentioned in item No. 6 will not by its addition to the neighborhood in which the property is located cause an excess of that particular use that could be detrimental to the character of the neighborhood.

TOWN OF ARLINGTON

Dimensional and Parking Information
for Application to
The Arlington Redevelopment Board

Docket No. _____

Property Location ARLINGTON, MA

Zoning District B1

Owner: 400-402 MASS AVE LLC

Address: 400-402 MASS AVE, ARLINGTON

Present Use/Occupancy: No. of Dwelling Units:

(2) Res Dwelling Units + (3) Business Units

Proposed Use/Occupancy: No. of Dwelling Units:

(4) Res Dwelling Units + (1) Business Unit

Uses and their gross square feet:

Residential: 2,225 GSF / Business: 2,692 GSF / (638 GSF Circ+Stor)

Uses and their gross square feet:

Residential: 4,287 GSF / Business: 630 GSF / (638 GSF Circ+Stor)

	Present Conditions	Proposed Conditions	Min. or Max. Required by Zoning for Proposed Use
Lot Size	4756 SF	4756 SF	min. 5,000 SF
Frontage	71.7 FT Mass Ave 68 FT Avon St.	71.7 FT Mass Ave 68 FT Avon St.	min. 50 FT
Floor Area Ratio	1.16	1.16	max. .75
Lot Coverage (%), where applicable	--	--	max. N/A
Lot Area per Dwelling Unit (square feet)	(2 Dwelling Units) 2378 SF	(4 Dwelling Units) 1189 SF	min. 2,500 SF
Front Yard Depth (feet)	0 FT	0 FT	min. 20 FT
Side Yard Width (feet)			
right side	5 FT	5 FT	min. 10 FT
left side			min. 10 FT
Rear Yard Depth (feet)	20 FT	20 FT	min. 20 FT
Height	--	--	min. --
Stories	2 & 3/4 STY	2 & 3/4 STY	stories 3
Feet	29.9 FT	29.9 FT	feet 35 FT
Open Space (% of G.F.A.)	--	--	min. --
Landscaped (square feet)	864 SF +/-	864 SF +/-	(s.f.) 10%, OR 555 SF
Usable (square feet)	0	0	(s.f.) 20%, OR 1111 SF
Parking Spaces (No.)	6	6	min. 6
Parking Area Setbacks (feet), where applicable	N/A	N/A	min. --
Loading Spaces (No.)	0	0	min. --
Type of Construction	WOOD FRAME, TYPE VB		
Distance to Nearest Building	10'-3" +/-	10'-3" +/-	min. N/A



400 MASS AVE – LEED CONSIDERATIONS

The improvements at 400-402 Massachusetts Avenue will look to incorporate the items below per 'LEED_v4.1_Residential_BD_C_Multifamily_Homes' to support the sustainable building practices goal in Arlington, MA.

LOW EMITTING MATERIALS

These materials are to be integrated to reduce concentrations of chemical contaminants that can damage air quality, human health, productivity, and the environment. Some of these building materials are as follows:

-Paints and Coatings

At least 75% of all paints and coatings, by volume or surface area, are to meet the VOC emissions evaluation AND 100% meet the VOC content evaluation.

-Adhesives and Sealants

At least 75% of all adhesives and sealants, by volume or surface area, are to meet the VOC emissions evaluation AND 100% meet the VOC content evaluation

-Flooring

At least 90% of all flooring materials (carpet, ceramic, vinyl, rubber, engineered, solid wood, laminates), by cost or surface area, is to meet the VOC emissions evaluation OR inherently non emitting sources criteria, OR salvaged and reused materials criteria.

INDOOR AIR QUALITY

The LEED objective is to establish better quality indoor air in the building after construction and during occupancy. Before each dwelling unit is occupied, air cleaning, a flush-out with a recirculating HEPA Air Filtration Device, and air testing in the unit to Demonstrate that 10 micron particles do not exceed 8 µg/m³ should be performed.

ACCESS TO QUALITY TRANSIT

Functional entry is located within ¼ mile walking distance to existing bus stop.

ENVIRONMENTALLY PREFERABLE PRODUCTS

At least 70% of each new compliant building component (floor covering, insulation, framing/structural systems, drywall, doors cabinets, countertops and/or interior trim), by weight or volume, will aim meet one of the requirements below:

The product contains at least 25% reclaimed material, including salvaged, refurbished, or reused materials. For renovation projects, existing components are considered reclaimed. Wood by-products can be counted as reclaimed material. These include items from secondary manufacturers; felled, diseased, or dead trees from urban or suburban areas; orchard trees that are unproductive and cut for replacement; and wood recovered from landfills or water bodies.

The product contains at least 25% postconsumer or 50% pre consumer content.



LAGRASSE YANOWITZ & FEYL

ARCHITECTURE + LAND PLANNING + CONSTRUCTION MANAGEMENT

Wood products must be Forest Stewardship Council (FSC) Certified, or USGBC-approved equivalent.

Bio-based materials. Bio-based products must meet the Sustainable Agriculture Network's Sustainable Agriculture Standard. Bio-based raw materials must be tested using ASTM Test Method D6866 and be legally harvested, as defined by the exporting and receiving country. Exclude hide products, such as leather and other animal skin material.

Concrete that consists of at least 30% fly ash or slag used as a cement substitute.

Extended producer responsibility. Products purchased from a manufacturer (producer) that participates in an extended producer responsibility program or is directly responsible for extended producer responsibility.

WATER USE REDUCTION

The project will seek to reduce aggregate water consumption by 20% from the baseline for each new fixture (toilets, showerheads, dishwashers, etc.)

MINIMUM ENERGY PERFORMANCE

For new dwelling units, heating and cooling systems will look to meet the following equipment selection sizing guidelines, or next nominal size:

Cooling Equipment:

Single-Speed Compressor: 90-130% of total heat gain

Two-Speed Compressor: 90-140% of total heat gain

Variable-Speed Compressor: 90-160% of total heat gain

Heating Equipment:

100-140% of total heat loss AND energy performance compliance.

400-402 Massachusetts Avenue
Arlington, MA

Environmental Impact Statement

The property located at 400-402 Massachusetts Avenue contains 4,756 square feet+/- and is in a B1 zone which zone is defined in Section 5.5 - Business Districts section of the Zoning Bylaw and at 5.5.1, Subsection A.

The definition in the Zoning Bylaw for a property located in a B1 zone is as follows:

“B1: Neighborhood Office District. In the Neighborhood Office District, the predominant uses include one- and two-family dwellings, houses with offices on the ground floor, or office structures which are in keeping with the scale of adjacent houses. Primarily located on or adjacent to Massachusetts Avenue, this district is intended to encourage preservation of small-scale structures to provide contrast and set off the higher-density, more active areas along the Avenue. Mixed-use buildings without retail space are allowed in this district. The Town discourages uses that would detract from the desired low level of activity, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.”

The property was the subject of a 1980 Zoning Hearing and Decision which provided that there be no more than two (2) apartments developed on the site and that there would be at least one on-site parking space per dwelling unit to be set aside for apartment tenants and that the entrance to the basement space be from the front of the building with an open stairway leading down from the inside entrance and clearly marked as to how to enter the basement.

The Petitioner's representative has now filed a Petition to Amend the Special Permit in accordance with the new mixed-use bylaw which applies in an B1 zone requesting that the building be allowed to have one (1) office unit and

four (4) residential units in accordance with plans submitted to the Zoning Board and which are also being submitted to the Arlington Redevelopment Board (hereinafter "ARB") at this time.

While the 1980 Zoning Decision limited the number of apartments in the buildings to two (2) under the mixed-use bylaw and in accordance with the provisions Section 3.4, further Section 3.4.4 of the Zoning Bylaw, the ARB has the jurisdiction with respect to any work or changes to be made to the existing building and in exercising its jurisdiction the ARB is to follow certain standards in reviewing Petitioner's plans in accordance with a portion of the language of Section 3.4.4 which states the following:

"The Standards are intended to provide a frame of reference for the Applicant in the development of site and building plans as well as a method of review for the review authority. They shall not be regarded as inflexible requirements and they are not intended to discourage creativity, invention and innovation."

The property is located in a mixed-use area directly across from the main Arlington Fire Station, within steps of the heart of Arlington Center with its significant retail uses, but at the fringe of that area at a point where there is a transition to more residential uses, including a number of apartment buildings, smaller mixed-use offices and residential buildings as well as commercial buildings such as the commercial building located at 397 Massachusetts Avenue, across from the Fire Station.

Petitioner does not propose changes to the exterior of the building but rather seeks to maintain the mixed-use history of the building with respect to its plans.

The proposed use comports comfortably with the language contained in the definition of the neighborhood office district contained in the Zoning Bylaw as the proposed use will provide contrast and set off the higher-density, more active areas along the Massachusetts Avenue and further would not detract from a low-level of activity with respect to the use.

The total gross floor area (GFA) would remain the same with respect to Petitioner's plans and the property is nonconforming with respect to the Zoning Bylaw lot size, floor area ratio, lot area per dwelling, front, side yard depths, useable open space and parking space minimum requirements contained in the Bylaw.

As a result of the increase in the requested number of residential units from two (2) to four (4), the proposal would increase the nonconformity with respect to the lot area per dwelling unit by reducing it from 2032 square feet per unit to 921 square feet per unit.

Petitioner also proposes to increase the two (2) parking spaces currently located at the property from two (2) to six (6), while the required parking spaces would be 6.1 parking spaces as set forth within the substance of the Zoning Bylaw with respect to the proposed use which requires Petitioner to request a reduction with respect to the parking requirements contained in the Zoning Bylaw.

Accordingly, Petitioner is prepared in accordance with Section 6.1.5, further subsection C of the Zoning Bylaw to comply with the provisions of the Transportation Demand Management (TDM) conditions contained in subsection C as follows:

- (1) Provide covered bicycle parking and storage;
- (2) Provide preferential parking for carpooling vehicles; and

(3) Provide bicycle or car sharing on site.

The Zoning of Board Appeals in a decision dated June 23, 2020 unanimously voted that in light of the fact that the Petitioner's proposal invokes the jurisdiction of Section 3.4 of the Zoning Bylaw under Environmental Design Review, that the ARB can review the proposal in accordance with the criteria of Sections 3.3.3 and 3.4 and if the ARB approves Petitioner's proposal then that decision would be the controlling decision with respect to Petitioner's mixed-use proposal, but if the proposed Petition was not approved by the ARB, then the 1980 Special Permit Zoning Board of Appeals conditions would remain in effect.

The Members of the Zoning Board went on to find that the 1980 Special Permit issued by the Zoning Board which allowed for two (2) apartments and one (1) office on the site and which also made provision for parking spaces for the dwelling units would essentially be superseded by the decision of the ARB since the Zoning Board in any event would not have the authority to issue a Special Permit under Environmental Design Review as that jurisdiction was solely the authority of the ARB.

In summary, the relief sought by Petitioner is for conversion of the property from two (2) residential units and one (1) business units into four (4) residential dwelling units and one (1) business unit.

The permit applied for requires relief from the following sections of the Zoning Bylaw:

1. Section 6.1.5, (C) – Transportation Management relief;
2. Section 3.4. Environmental Design Review; and
3. Section 5.3.16 – Yards and setbacks for lots adjoining a street or public open space.

Petitioner has addressed the standards of Section 3.4 of the Zoning Bylaw as follows:

1. The landscaped opened space which is presently 864 square feet+/- will remain at 864+/- square feet while zoning would require 555 square feet+/-.
2. The exterior of the building will not change as all the changes will be interior changes.
3. The useable open space which is 0 will remain at 0 with respect to Petitioner's proposed interior plans to the building.
4. Traffic circulation will remain unchanged with one-way traffic in and out to the parking spaces which are located to the rear of the building.
5. The surface water drainage will remain unchanged.
6. There will be no changes to the utility service to the property.
7. Petitioner will, in all likelihood, discuss any advertising features with respect to the proposal with the Planning Department and would expect that any proposal made could be dealt with administratively by the Planning Department.
8. There will be no new machinery installed at the building.
9. All opened and closed spaces at the building will remained unchanged.
10. Petitioner has submitted a LEED's report of LAGRASSE YANOWITZ & FEYL with respect to LEED considerations with respect to the proposal as a part of its submission to the ARB.



400 MASSACHUSETTS AVE. ARLINGTON, MA
BUILDING FACADE PHOTOS

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ARCHITECTURE + LAND PLANNING
+ CONSTRUCTION MANAGEMENT
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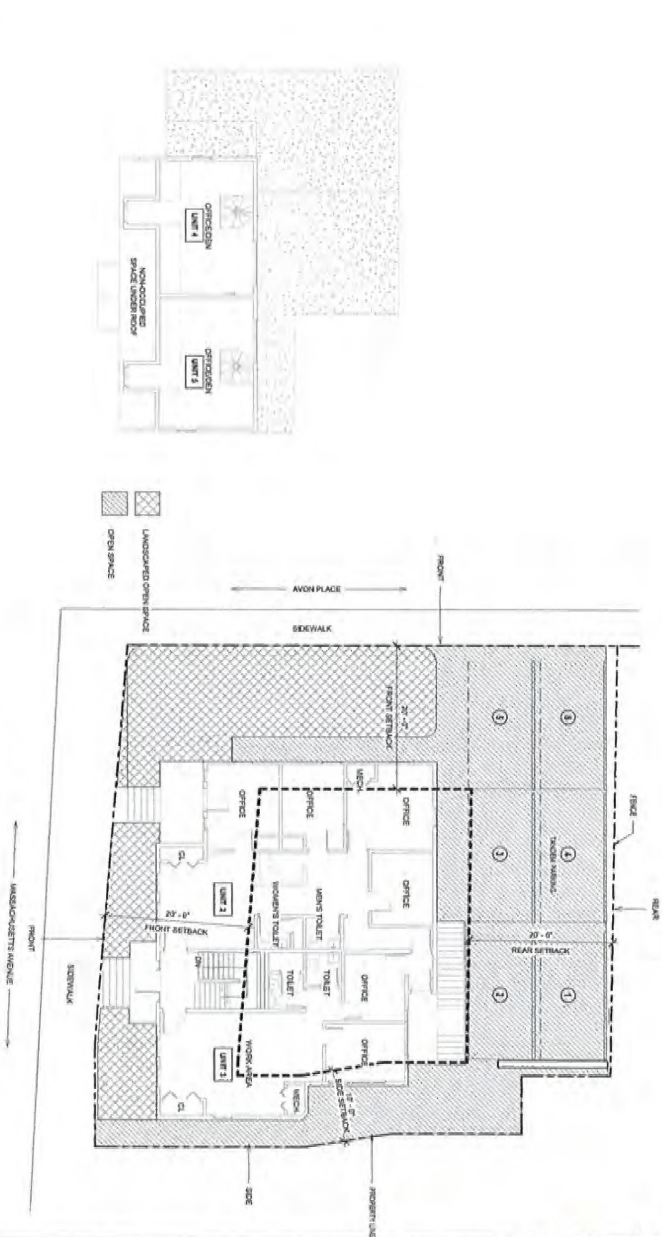


400 MASS AVE ARLINGTON

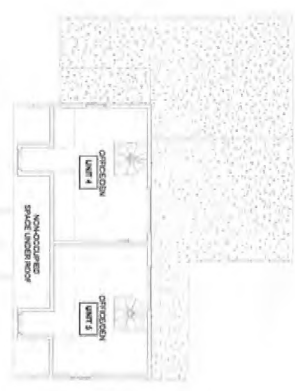
EXISTING FLOOR PLANS

Prepared for:
 Location: Arlington
 Date: 01/15/2020
 Scale: 1/8" = 1'-0"

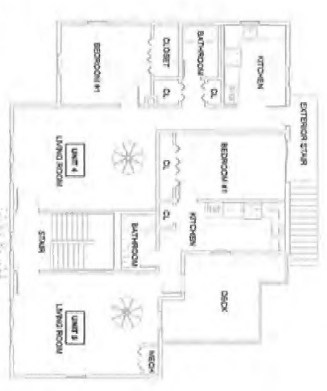
NO.	DATE	DESCRIPTION
1	01/15/2020	EXISTING FLOOR PLANS
2	01/15/2020	EXISTING FIRST FLOOR PLAN + SITE W/ 1ST & 2ND FLOOR RENOVATION
3	01/15/2020	EXISTING SECOND FLOOR PLAN + SITE W/ 1ST & 2ND FLOOR RENOVATION
4	01/15/2020	EXISTING THIRD FLOOR PLAN + SITE W/ 1ST & 2ND FLOOR RENOVATION



4 THIRD FLOOR PLAN
 1/8" = 1'-0"

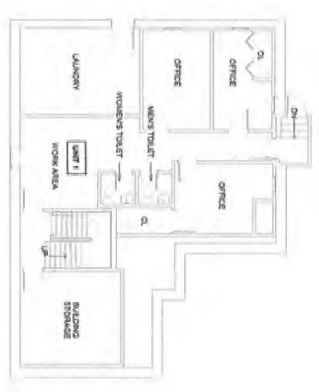


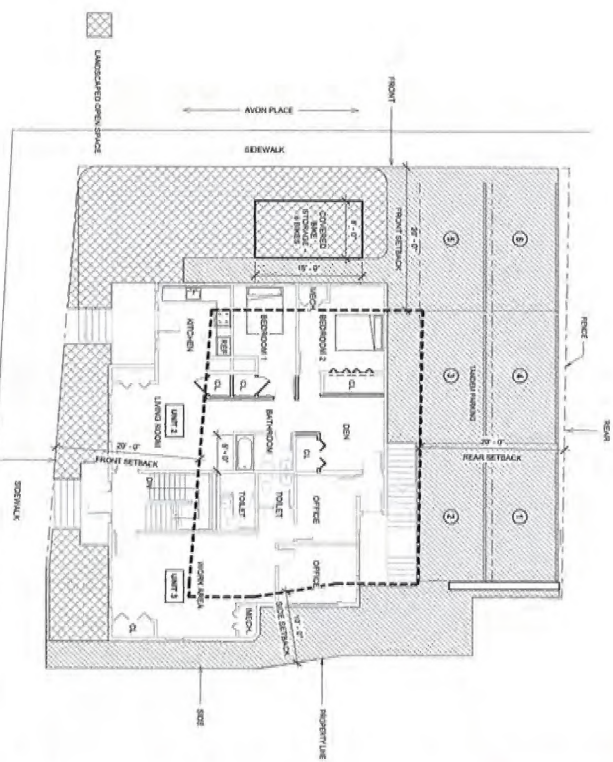
2 EXISTING FIRST FLOOR PLAN + SITE W/ 1ST & 2ND FLOOR RENOVATION
 1/8" = 1'-0"



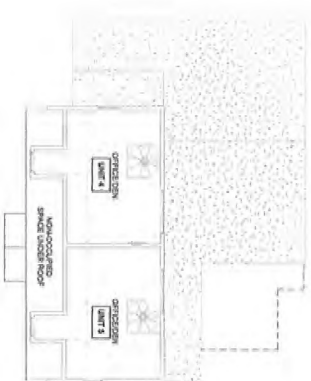
3 SECOND FLOOR PLAN
 1/8" = 1'-0"

1 BASEMENT PLAN
 1/8" = 1'-0"

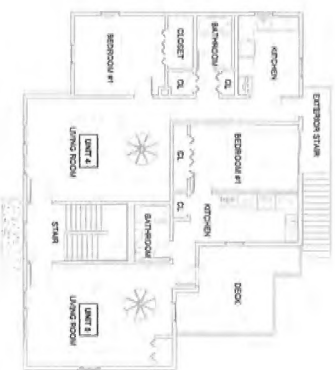




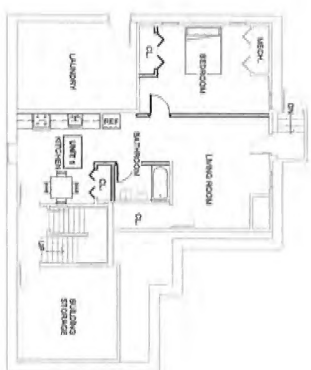
2. PROPOSED FIRST FLOOR PLAN + SITE ZONING INFORMATION



4. THIRD FLOOR PLAN (NO CHANGES)
1/8" = 1'-0"



3 SECOND FLOOR PLAN (NO CHANGES)
1/8" = 1'-0"



1. BASEMENT PLAN PROPOSED
1/8" = 1'-0"

